

ORIGINAL

FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW

FILED
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
MAR 11 PM 4:10

1 LAURENCE F. PULGRAM (CSB NO. 115163)

lpulgram@fenwick.com

2 ALBERT L. SIEBER (CSB NO. 233482)

asieber@fenwick.com

3 LIWEN A. MAH (CSB NO. 239033)

lmah@fenwick.com

4 FENWICK & WEST LLP

555 California Street, 12th Floor

San Francisco, CA 94104

Telephone: (415) 875-2300

6 Facsimile: (415) 281-1350

7 PATRICK E. PREMO (CSB NO. 184915)

ppremo@fenwick.com

8 DENNIS M. FAIGAL (CSB NO. 252829)

dfaigal@fenwick.com

9 FENWICK & WEST LLP

Silicon Valley Center

10 801 California Street

Mountain View, CA 94041

11 Telephone: (650) 988-8500

12 Facsimile: (650) 938-5200

13 Attorneys for Plaintiff SUCCESSFACTORS, INC.

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 SAN FRANCISCO DIVISION

18 SUCCESSFACTORS, INC.,

19 Plaintiff,

20 v.

21 SOFTSCAPE, INC.,

22 Defendant.

Case No. 08-CV-1376 EDL

**DECLARATION OF DENNIS FAIGAL IN
SUPPORT OF MOTION FOR
ADMINISTRATIVE RELIEF TO FILE
UNDER SEAL PLAINTIFF'S EXHIBITS TO
THE DECLARATION OF ROB
BERNSHTEYN IN SUPPORT OF
PLAINTIFF'S APPLICATION FOR
TEMPORARY RESTRAINING ORDER;**

DECLARATION OF DENNIS FAIGAL

I, Dennis Faigal, declare as follows:

1. I am an associate with the law firm of Fenwick & West LLP, counsel of record for Plaintiff SuccessFactors, Inc. ("SuccessFactors"). I make this declaration based on my personal knowledge, except where otherwise indicated, and if I am called as a witness, I would and could testify competently to the matters contained herein.

2. The document attached as **Exhibit 1** to the Declaration of Rob Bernshteyn in support of Plaintiff SuccessFactors' Application for Temporary Restraining Order ("Declaration of Rob Bernshteyn") contains proprietary confidential information and non-public confidential customer information. Thus, SuccessFactors requests that it be allowed to file the exhibit under seal.

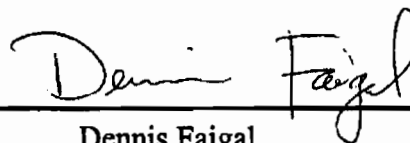
3. The documents attached as **Exhibits 2 and 6** to the Declaration of Rob Bernshteyn contain non-public confidential customer information. Thus, SuccessFactors requests that it be allowed to file these exhibits under seal.

4. SuccessFactors will lodge with the Clerk a sealed copy of the above document.

5. Pursuant to Civil L.R. 79-5, SuccessFactors intends to file publicly or withdraw from the record any exhibits that it requested to be filed under seal if SuccessFactors' request is denied by this Court.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct. Executed this 11th day of March, 2008 at Mountain View, California.

By: _____



Dennis Faigal

1281610